

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CIVIL MINUTES

Case No. **CV 07-934-BR**

Date of Proceeding: **December 6, 2010**

Case Title: **Andersen v Atlantic Recording Corp, et al**

Presiding Judge: **Anna J. Brown**

Courtroom Deputy: **Bonnie Boyer**

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Reporter:

PLAINTIFF'S COUNSEL

DEFENDANT'S COUNSEL

DOCKET ENTRY:

RECORD OF R16 CONFERENCE

The Court conducted a Rule 16 conference to set a final case management schedule. For the reasons stated on the record and in the exercise of its case management discretion, the Court orders as follows:

1. The parties shall submit a jointly proposed pretrial order **no later than January 11, 2011**.
2. The Court reopens fact discovery to permit the parties to obtain supplemental discovery as to any issue the parties anticipate will be the subject of proffered evidence at trial in light of the issues outlined in the proposed pretrial order. The parties are directed to cooperate in the scheduling and completion of such supplemental discovery in the most cost-effective method available to the parties. The parties have until **January 28, 2011**, to complete any supplemental fact discovery. If the parties reach an impasse as to any fact discovery issue for which a ruling is requested, counsel shall provide **no later than January 21, 2011** a concise, joint submission to the Court outlining any such dispute and the opposing positions about it.
3. **No later than February 18, 2011**, the parties shall file (a) a jointly proposed form of Verdict and (b) a jointly proposed set of jury instructions addressing the elements of all claims and defenses still to be resolved (per the proposed pretrial order). To the extent there is disagreement as to any part of the proposed form of Verdict or a proposed instruction, the parties shall set out their preferred version within the text of the joint submission in a "red-line" or other format that makes clear the alternative suggestions and what party is proposing them. All jury instruction submissions that are disputed must be supported by a citation to authority within the joint jury instruction submission (beginning preferably with model

cc: () All counsel

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jury instructions from the Ninth Circuit or Oregon). To the extent a party wishes to provide additional briefing as to the legal issue underlying a proposed jury instruction, the party may file a separate memorandum in support thereof at the same time the jointly proposed jury instructions are filed.

4. The Court will hold a jury instructions conference on **March 10, 2010, at 1:30 p.m.** to resolve the jury instructions. **Trial counsel** shall appear for this conference.

5. **No later than April 11, 2011**, the parties shall file their joint Witness Lists and Exhibit Lists, each specifying in a summary table format whether any proffer is the subject of objection and, if so, the admissible purpose for which the proffer is made and the evidentiary basis of the opponent's objection. The parties also shall file their separate Trial Memorandum and Motion(s) in Limine. If any party wishes to file a memorandum in opposition to an opponent's Motion in Limine, such filing is due **no later than April 18, 2011**.

6. The Court will conduct a final pretrial conference on **May 3, 2011, at 9:00 a.m.** at which time the Court will make, to the extent possible, all evidentiary rulings concerning trial evidence. At the conclusion of the hearing, the Court will hear argument as to a reasonable amount of time to allot to the parties for their trial presentations. The Court intends then to set an ultimate "clock" limiting the amount of time the parties may use in front of the jury. **Trial Counsel** shall appear for the final pretrial conference.

7. Jury Trial will commence on **May 9, 2011**, at 9:00 a.m.

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